

# GUIDELINES FOR ESTABLISHING IDENTITY OF IRREGULAR MIGRANTS

**(HARMONISATION OF IDENTIFICATION  
PROCEDURES) FOR MARRI PARTICIPANTS**

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# 1 | INTRODUCTION

The purpose of this document is to give an overview of steps to be taken in order to harmonise the procedures of establishing identity of a person (migrant) involved in the procedures with the competent authorities of MARRI participants.

Identity is a set of legal (name, surname etc) and physical characteristics (appearance) of an individual that distinguish him/her from another.

This document takes into account national legislation of MARRI participants and does not prejudice any provisions of national legislation or administrative practice of MARRI participants. Establishing and confirming identity is based on the national legislation of MARRI participants. All MARRI participants determine identity of a foreigner based on valid documents (ID, passport). This could be set as a minimum standard in all MARRI participants for absolute identity verification.

## 2 | PURPOSE

The purpose of identification process is to ensure that persons involved in procedures with competent authorities are properly identified.

## 3 | CHALLENGES

- A) Performing proper search of a migrant and his/her belongings for relevant documents according to national legislation.
- B) Establishing initial trust between migrant and officers through the interview.
- C) Special attention should be focused on the proper selection of the interpreter.
- D) Taking an initial statement from a migrant where he/she states his/her identity (with the acknowledgement on consequences in case of misleading)
- E) Migrants have no documents presenting their identity (documents have been lost during the travel, document have been taken away by facilitators or migrants have no interest to provide documents for different reasons etc.).

- F)** Accepting documentation other than those showing the identity of a migrant. Supporting documents are usually those having no photo or stamp/signature of issuing authority. Supporting documents are more and more often used in the process of establishing identity. The same applies for photocopies of documents.
- G)** Assessing authenticity of documentation should be part of regular procedure otherwise it could lead to increasing attempts to mislead authorities with forged documents.
- H)** Different levels of established identity: in the process of return the identity of irregular migrant has to be determined/confirmed as for in the process of international protection the identity is not a decisive factor.
- I)** Establishing and determining country of origin and establishing identity of a migrant should be performed in accordance with the law.
- J)** Important factor is also identification of vulnerable groups (including age assessment), facilitators, suspicion of criminal activity and dealing with larger groups.
- K)** Increase the awareness of well-trained officers working with migrants of the importance of document control/verification.

## 4 | METHODS

Regardless of the methods used for establishing identity basic principles of equality, diversity and non-discrimination should be followed throughout the procedure of establishing of identity. Special focus should be to the individuals who are in danger of physical and psychological harm, victims of trafficking and to those who cannot care for themselves and other (vulnerable groups).

Different methods for establishing identity are in use in MARRI participants in the cases of documented foreigner or undocumented foreigner.

### **MAIN AIM:**

to confirm the identity of the person

### **A) DOCUMENTED FOREIGNER**

Primarily MARRI participants establish identity using presented documents (core, supporting documents or copies of these documents) provided by a migrant followed by document examination/verification. In this case the competent authorities should have the possibility to send the document to the competent specialised unit the in MARRI Participant, responsible for authenticity evaluations of documents.

### **B) UNDOCUMENTED FOREIGNER**

Methods used to establish identity in the absence of credible information

In cases migrant has no documents MARRI participants may use one of the following methods on how to establish identity of a migrant:

- ▶ Interview with migrant
- ▶ Comparison of fingerprints with national and other databases
- ▶ Comparison of photographs with national and other databases
- ▶ Consultation with the country of origin (through diplomatic channels or liaison officers)

MARRI participants should also consider introducing and using (where already not in place) other methods, such as:

- ▶ DNA analysis
- ▶ Age assessment
- ▶ Coercive methods, including forced searches of migrant's property
- ▶ Language analysis.

## INTERVIEW WITH MIGRANT

**MAIN AIM:** to get enough relevant information, to verify and confirm the statements if they are in compliance with the supporting documents and claimed identity.

Interview should be performed in a way to identify the country of origin of a foreigner with high reliability. This should be followed by establishing of personal identity of a foreigner. The interview should enable a foreigner to prove his/her identity a) the foreigner shall expressly declare his/her identity and b) the foreigner shall provide evidence to prove his/her identity. The evidence shall be confirmed as being valid and/or genuine and belonging to the individual.

The issue of language to be understood by a foreigner should be properly addressed. For this reason MARRI participants should engage an interpreter as important tool for establishing of identity. The interpreter has an important role when conducting interview with a foreigner but he/she should not have the leading role – the interview should be led by the responsible officer. Proper selection of the interpreter and good cooperation should result in better quality of the interview.

## USE OF THE QUESTIONNAIRE

MARRI Participant may use (basic) questionnaire for the initial screening and to identify/confirm the national identity/ethnicity. Further on, the questionnaire could be extended with detailed questions regarding the personal identity, groups, facilitators, amount, document misuse, identifying vulnerable groups, reasons for leaving country of origin etc.

Groups of questions as a minimum to be included in the questionnaire for confirming national identity:

1. Basic information of the country (flag, national anthem, president, institutions, etc.).
2. Religion, ethnic groups, languages, dialects.
3. Detailed questions on administrative divisions (district, cantons, provinces, the capital, etc.).
4. Photo questions.
5. Questions regarding route.

Other techniques and tools recommended and developed by relevant international organizations together with national institutions.



## 5 | PROCEDURES/ STEPS:

Foreigner shall be required to declare personal data (name, date of birth and address, etc) - **Claimed Identity**.

Foreigner shall be required **to provide evidence** for the claimed identity (each MARRI Participant set up a list of required evidences).

The evidence provided shall be checked in order to determine whether it is genuine and/or valid (**Validation**).

Foreigner shall be compared to the provided evidence and/or knowledge about the claimed identity to determine whether it relates to him/her (**Verification**).

The Claimed Identity shall be subjected to checks to determine whether it has had an existence (**Records**).

At the end of the process the claimed identity is either confirmed (Partly Confirmed) or not confirmed. If applicable, partially confirmed Identity should describe the level of confidence.

	DOCUMENT	FOLLOW UP
DOCUMENT ASSESSMENT	<ul style="list-style-type: none"><li>▶ Examine all documents thoroughly against forgery/counterfeiting (where such expertise is available)</li><li>▶ Verify the presented documents are genuine (through national databases and systems, INTERPOL, EUROPOL, embassies)</li><li>▶ Check for entry/exit stamps, visas etc., both in order to confirm the applicant's story</li><li>▶ Verify how document was obtained (especially in cases where such documents are generally not presented)</li><li>▶ Search the applicant and his/her belongings for relevant documents according to national legislation</li></ul>	<ul style="list-style-type: none"><li>▶ If documents are found to be counterfeit, the applicant should be given the opportunity to explain how he/she has obtained them.</li><li>▶ What is the relevance of the presented document.</li></ul>

GATHERING ID INFORMATION	STATEMENT	FOLLOW UP
	<ul style="list-style-type: none"> <li>▶ Give possibility to the foreigner to expressly declare his/her identity</li> <li>▶ Ask the foreigner to provide evidence to prove his/her identity</li> <li>▶ Use of standardised form/questionnaire to gather basic personal identification information (name, surname, etc)</li> <li>▶ Focus on questions related to establishment/verification of identity</li> <li>▶ Engagement of the interpreter</li> </ul>	<ul style="list-style-type: none"> <li>▶ Assess/compare gathered information with document presented/ supporting documents</li> <li>▶ Assess the credibility/ contradictions with statement of other individuals or groups</li> </ul>
	<ul style="list-style-type: none"> <li>▶ Use questionnaire for the initial screening and to identify/ confirm the national identity/ethnicity. The questionnaire could be extended with detailed questions regarding the groups, facilitators, routes, amount paid, document misuse, identifying vulnerable groups, etc.</li> </ul>	

	INTERVIEW	FOLLOW UP
<b>VERIFY THE "STORY"</b>	<ul style="list-style-type: none"> <li>▶ Preparation for interview using modern techniques, exchange of information</li> <li>▶ The interview should be taken individually not as a routine procedure</li> <li>▶ Gather accurate and reliable information about the applicant's reasons for applying for protection in a fair and efficient way</li> <li>▶ Help the applicant to give a full account of his/her story by asking appropriate questions in an appropriate manner</li> <li>▶ Give the applicant opportunities to clarify any possible inconsistencies</li> <li>▶ Gather information on reasons for leaving the country of origin</li> <li>▶ Observe the applicant external appearance (facial characteristics, skin color...) and conclude based on personal experience</li> </ul>	<ul style="list-style-type: none"> <li>▶ Assess if the story is compatible with the presented documents/ COI</li> <li>▶ Keep good cooperation with the interpreter</li> </ul>
<b>TAKE FINGERPRINTS AND PHOTO</b>	<ul style="list-style-type: none"> <li>▶ Take fingerprints according to respective legislation</li> <li>▶ Verify fingerprints against available databases</li> <li>▶ Take photo of the applicant</li> <li>▶ Check personal data against national databases (alerts, search, visas, crossing of borders...) and international (i.e. INTERPOL)</li> </ul>	

	<b>COOPERATION WITH EMBASSIES/CONSULATES</b>	<b>FOLLOW UP</b>
<b>COOPERATION</b>	<ul style="list-style-type: none"> <li>▶ Keep good cooperation with embassies (consular department, police and cultural attaches) and consulates</li> <li>▶ Verify documents and/or information through embassies</li> <li>▶ Engagement of liaison officers (speed up the process, exchange of information)</li> </ul>	<ul style="list-style-type: none"> <li>▶ Continue with keeping good relationship with international actors present locally.</li> </ul>

	<b>COUNTRY OF ORIGIN INFORMATION - COI</b>	<b>FOLLOW UP</b>
<b>BACKGROUND INFORMATION</b>	<ul style="list-style-type: none"> <li>▶ Acquire and be acquainted with relevant and up-to-date COI to understand the applicant's situation</li> <li>▶ Appropriate use of the acquired COI</li> <li>▶ Links with available COI (annex to this document)</li> </ul>	<ul style="list-style-type: none"> <li>▶ Confirm or indicate crepancies with elements of his/her statements and COI.</li> </ul>

	<b>INFORMATION EXCHANGE</b>	<b>FOLLOW UP</b>
	<ul style="list-style-type: none"> <li>▶ Information exchange with relevant authorities in the country as well as of other states in order to establish identification (i.e. PCC SEE)</li> </ul>	

**COOPERATION WITH NGOs and INTERNATIONAL ORGANIZATIONS****FOLLOW UP****COOPERATION**

- ▶ Request relevant international organizations for assistance in establishing identity (i.e. UNCHR, IOM)
- ▶ Request relevant NGOs for assistance in establishing identity when necessary
- ▶ Provide international organizations and NGOs with relevant information on the case in order to get information for establishing of the identity
- ▶ Cooperation with foreigners from third countries (living in the country and with relevant knowledge of the country of origin)

**COUNTRY OF ORIGIN USEFUL LINKS:**

<b>EUROPEAN ASYLUM SUPPORT OFFICE</b>	<a href="https://easo.europa.eu/asylum-documentation/easo-publication-and-documentation/">https://easo.europa.eu/asylum-documentation/easo-publication-and-documentation/</a>	Public available documents provide for general situations in selected countries.
<b>EUROPEAN COUNTRY OF ORIGIN INFORMATION</b>	<a href="http://www.ecoi.net">www.ecoi.net</a>	Country of origin information system of the Austrian Red Cross, gathers, structures and processes publicly available country of origin information with a focus on the needs of asylum lawyers, refugee counsels and persons deciding on claims for asylum and other forms of international protection.

<b>REFWORLD</b>	<a href="http://www.unhcr.org/refworld/">www.unhcr.org/refworld/</a>	Provides for general situations in selected countries
<b>AMNESTY INTERNATIONAL</b>	<a href="http://www.amnesty.org">www.amnesty.org</a>	Provides for general situations in selected countries.
<b>HUMAN RIGHTS WATCH</b>	<a href="http://www.hrw.org">www.hrw.org</a>	Provides for general situations in the area of human rights in selected countries.
<b>INTERNATIONAL CRISIS GROUP</b>	<a href="http://www.crisisgroup.org">www.crisisgroup.org</a>	Provides for general situations in selected countries.
<b>UK BORDER AGENCY</b>	<a href="http://www.gov.uk/government/collections/country-information-and-guidance">www.gov.uk/government/collections/country-information-and-guidance</a>	Provides for reports to give information on asylum seekers' countries of origin.
<b>UK FOREIGN &amp; COMMONWEALTH OFFICE</b>	<a href="http://centralcontent.fco.gov.uk/">http://centralcontent.fco.gov.uk/</a>	Provides for general situations in selected countries.
<b>KURDWATCH</b>	<a href="http://www.kurdwatch.org/">www.kurdwatch.org/</a>	Provides for reports on human rights violations against Kurds in Syria.



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